

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**KATHERINE DAVIS,
Guardian for Carla Lewis**

PLAINTIFF

v.

No. 4:13-cv-589-DPM

**OLD DOMINION FREIGHT LINE
and MELVIN HOWZE**

DEFENDANTS

ORDER

For the reasons stated on the record at the 17 December 2015 pretrial hearing, the Court confirms the following rulings on the pending motions.

- Davis's motion to exclude marijuana evidence, *No. 75*, is granted with a caveat: the Court will reconsider if Davis opens the door when explaining her incapacitation.
- Davis's motion to exclude bad-acts and character evidence, *No. 76*, is granted.
- Davis's motion to exclude evidence on various topics, *No. 77*, is granted in part as agreed, and denied on social security evidence.
- Old Dominion and Howze's motion to exclude evidence on various topics, *No. 78*, is granted in part as agreed, and denied on Davis asking the jury to hold defendants "accountable." She may do so.
- Old Dominion and Howze's motion to exclude evidence of Christina Jones's rough life, *No. 80*, is granted as agreed.
- Old Dominion and Howze's motion to exclude evidence about post-wreck drug and alcohol testing, and of Howze's firing, *No. 82*,

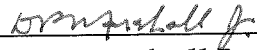
is granted in part and denied in part. Granted on Howze's firing; denied on post-wreck testing.

- Old Dominion and Howze's motion to exclude evidence of Howze's phone use and Bentley's proposed expert testimony on driver distraction, *No* 84, is granted in part and denied in part. Granted on Bentley's testimony; denied on Howze's phone use.
- Old Dominion and Howze's motion to exclude expert testimony by Davis, *No* 86, is granted in part and denied in part. Granted on Davis changing his opinion; denied on excluding Davis entirely.

The Court also orders the following pretrial deadlines.

- 18 December 2015 File updated joint report on deposition designations.
- 31 December 2015 Submit any suggested voir dire questions to dpmchambers@ared.uscourts.gov.
- 6 January 2016 Exchange exhibits. Deliver one electronic and two hard copies to the Court. No hard copies, though, of the circa six thousand pages of medical records.

So Ordered.



D.P. Marshall Jr.
United States District Judge



18 December 2015